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SUBJECT: ARMENIA: PRESIDENT APPROVES AMENDMENTS TO LAW ON PUBLIC ASSEMBLY

REF: A) YEREVAN 1938 B) 04 YEREVAN 973

11. (U) Sensitive but unclassified. Please protect accordingly.

SUMMARY

12. (SBU) On October 31, President Robert Kocharian approved legislation amending the Armenian Law on Conducting Meetings, Assemblies, Rallies and Demonstrations. The amendments include "most recommendations" from the Council of Europe's Venice Commission, though the law still contains regulations which a Venice Commission opinion (published November 2) observed "are not properly linked to permissible reasons for restrictions." The Venice Commission opinion, drafted by OSCE/ODIHR experts, clearly states that actual implementation will be the true criterion for judging government respect for freedom of assembly in Armenia. End Summary.

AMENDED LAW ON ASSEMBLY

13. (SBU) On April 28, 2004, following a series of opposition-organized public demonstrations (ref B), the GOAM hastily adopted the Armenian Law on Conducting Meetings, Assemblies, Rallies and Demonstrations. At the time, opposition parties, press, and human rights activists heavily criticized the GOAM, alleging the GOAM had unduly restricted freedom of speech and assembly and thwarted citizen's rights to protest elections they perceived to be flawed. On October 31, President Robert Kocharian signed legislation amending the controversial law.

THE JURY'S STILL OUT

14. (SBU) "Most of our recommendations are now reflected in the law," according to a Venice Commission opinion -- published on November 2 -- based on findings by OSCE/ODIHR legal experts Michael Hamilton and Neil Jarman. The Venice Commission opinion, however, criticized the law for "excessive detail" and recommended further amendments, which would limit the authority of local government bodies to restrict events "where the legitimate aims of the European Convention on Human Rights are engaged." Helsinki Committee Chairman Avetik Ishkanyan -- one of the few human rights activists to comment on the changes -- told us that the amendments were generally positive, but the overall law still unduly restricted freedom of speech and assembly. OSCE Programs Officer Ruzanna Baghdasaryan told us that OSCE/ODIHR and the Venice Commission would judge Armenian progress toward freedom of assembly by the GOAM's implementation of the law, not the law itself.

THE GOOD AND THE BAD AMENDMENTS

15. (SBU) The Venice Commission opinion commended the new law on assembly for simplifying notification procedures, allowing spontaneous mass gatherings, and removing public television and radio stations and the Central Bank from the list of facilities around which groups are prohibited from gathering. Despite these positive steps, the Venice Commission also criticized the amendments for removing specific timeframes within which security officials must suggest alternative dates and times for organized gatherings. According to the Venice Commission opinion, government regulators may now exploit the new law by choosing to delay permission for alternative dates and times -- effectively prohibiting specific activities or events. As with the previous version of the law, gatherings within 150 meters of military bases, security zones, and prisons are still prohibited and security officials retain the right to determine the minimal distance for gatherings near the Presidential Palace, underground natural gas storage areas, the "Orbita-2" Satellite Station, and the Armenian Nuclear Power Plant.

COMMENT: A SMALL STEP FORWARD?

16. (SBU) In general, the amended Law on Conducting Meetings, Assemblies, Rallies and Demonstrations is another welcomed step forward for Armenian legal reform. The Venice Commission opinion clearly notes, however, that actual implementation of the amendments will be the true criterion for judging progress toward government respect for freedom of assembly, a real standard we support in all of our meetings with GOAM officials.
EVANS